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6 Attorney for Defendant
7 REGINALD THOMAS

8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 REGINALD THOMAS,

14 Defendant.

15 Case No.: 2:20-CR-00012 MCE

16 **STIPULATION AND ORDER
CONTINUING STATUS
CONFERENCE**

17 Date: October 7, 2021
18 Time: 10:00a.m.
19 Court: Hon. Morrison C. England, Jr.

20 **STIPULATION**

21 Defendant Reginald Thomas, by and through his counsel of record, and Plaintiff United
22 States of America, by and through its counsel of record, hereby stipulate as follows:

23 1. By previous order, this matter was set for status on October 7, 2021.
24 2. By this stipulation, defendant now moves to continue the status conference until
25 October 21, 2021, and to exclude time between October 7, 2021, and October 21, 2021,
26 under Local Code E and T4.
27 3. The parties agree and stipulate, and request that the Court find the following:
28 a. The government has represented that the discovery associated with this case

1 includes numerous reports and related documents, photographs, audio
2 recordings, and videos. All of this discovery has been either produced directly
3 to counsel and/or made available for inspection and copying.

4 b. New counsel for the defendant was appointed on June 22, 2021. Counsel for
5 defendant desires additional time to conduct investigation and research related
6 to the charges, review discovery for this matter, to discuss potential resolutions
7 with his client, and to otherwise prepare for trial.

8 c. Counsel for defendant has also filed a motion to dismiss in the defendant's
9 related case (2:11-CR-00216), proposed to be heard on October 21, 2021.
10 Defense counsel has represented that the resolution of that motion affects
11 decisions moving forward in this case.

12 d. Counsel for defendant believes that failure to grant the above-requested
13 continuance would deny him the reasonable time necessary for effective
14 preparation, taking into account the exercise of due diligence. Additionally,
15 because a motion to dismiss has been filed in the defendant's related case, the
16 resolution of which impacts decisions in this case, it is appropriate for the Court
17 to continue this matter pursuant to 18 U.S.C. § 3161(h)(1)(D).

18 e. The government does not object to the continuance.

19 f. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. §
20 3161, et seq., within which trial must commence, the time period of October 7,
21 2021 to October 21, 2021, inclusive, is deemed excludable pursuant to 18
22 U.S.C. § 3161(h)(1)(D) [Local Code E] and also under § 3161(h)(7)(A), B(iv)
23 [Local Code T4] because it results from a continuance granted by the Court at
24 defendant's request on the basis of the Court's finding that the ends of justice
25 served by taking such action outweigh the best interest of the public and the
26 defendant in a speedy trial.

1 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
2 Speedy Trial Act dictate that additional time periods are excludable from the period
3 within which a trial must commence.

4 IT IS SO STIPULATED.

5
6 Dated: October 4, 2021

/s/ ETAN ZAITSU

7 ETAN ZAITSU
8 Counsel for Defendant
9 REGINALD THOMAS

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11 Dated: October 4, 2021

12 PHILLIP A. TALBERT
13 Acting United States Attorney

14
15 /s/ TANYA B. SYED
16 TANYA B. SYED
17 Assistant United States Attorney

18
19 **ORDER**

20 IT IS SO ORDERED.

21 Dated: October 6, 2021

22 

23 MORRISON C. ENGLAND, JR.
24 SENIOR UNITED STATES DISTRICT JUDGE